

11/88

ORIGINAL

R-0360-3-A

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

APPLICATION TO REVISE A COAL MINING PERMIT

RECEIVED

1. Applicant's Name The Ohio Valley Coal Company
Address 56854 Pleasant Ridge Road
City Alledonia State Ohio
Telephone No. 614 - 926 - 1351

JAN 27 1989

DIVISION OF
RECLAMATION
210 43902

2. Permit No. D-0360.
3. Section of mining and reclamation plan to be revised:

Part 1(A) Identification of Interests

4. Describe in detail the proposed revision and submit any necessary drawings, plans, maps, etc.:

The Nacco Mining Company has changed its name to The Ohio Valley Coal Company. Attached is the Certificate of Merger attesting to the changes, and the Power of Attorney to Transfer Stock which authorizes the transfer of Nacco's stock to Ohio Valley.

5. Describe in detail the reason for requesting the revision:

N/A

6. Will this revision constitute a significant alteration from the mining and reclamation operations contemplated in the original permit? Yes, X No.

(Note: refer to paragraph (E)(2) of 1501:13-4-06 of the Ohio Administrative Code for information concerning significant revisions.)

If "yes," complete the following items 7 through 9.

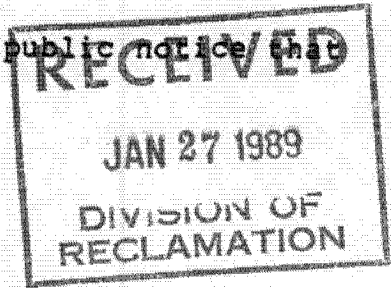
TOVCC 07389

7. In the space below give the name and address of the newspaper in which the public notice is to be published.

N/A

8. In the space below give the text of the public notice that is to be published.

N/A



9. In the space below give the name and address of the public office where this application is to be filed for public viewing.

N/A

I, the undersigned, a responsible official of the applicant, do hereby verify the information contained in this revision request is true and correct to the best of my information and belief.

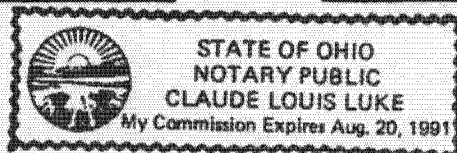
Robert E. Murray
Print Name

January 26, 1989
Date

Robert E. Murray
Signature

President and
Chief Executive Officer
Title

Sworn before me and subscribed in my presence
this 26th day of JANUARY, 1989.



Claude Louis Luke
Notary Public

FOR DIVISION USE ONLY)

This request is hereby approved.

Jim L. Darringer by M. Nishimura
Chief, Division of Reclamation

1-27-89
Date

Part 1 LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

A. IDENTIFICATION OF INTERESTS

(1) Applicant's Name The Ohio Valley Coal Company

Address 56854 Pleasant Ridge Road

City Alledonia, State Ohio

Zip 43902

Telephone No. 614 - 926 - 1351

Tax I.D. No. _____ / or Social Security No. _____

RECEIVED

JAN 27 1989

**DIVISION OF
RECLAMATION**

(2) Is the operator of the mine to be a person different from the applicant?
____ Yes, X No. If "yes", provide the following:

Operator's Name _____

Address _____

City _____, State _____ Zip _____

Telephone No. _____ - _____ - _____

(3) Indicate the business structure of the applicant:

_____ Single Proprietorship, _____ Partnership,

X Corporation, _____ Association,

_____ Other - specify _____

(4) If the applicant is a business entity other than a single proprietorship, provide the following for the applicant's statutory agent for service of process:

Agent's Name A & H Statutory

Address 1100 Huntington Building

City Cleveland, State Ohio Zip 44115

Telephone No. 216 - 696 - 1100

- (5) If the applicant is a business entity other than a single proprietorship, provide the following for each officer, partner, director, or person performing a function similar to a director:

Name Robert E. Murray, Position President and Chief Executive Officer, Treasurer

Address Suite 111, 29525 Chagrin Blvd.

City Cleveland, State Ohio, Zip 44122

Name Stephen C. Ellis, Position Secretary

Address Suite 111, 29525 Chagrin Blvd.

City Cleveland, State Ohio

Name _____, Position _____

Address _____

City _____, State _____ Zip _____

Name _____, Position _____

Address _____

City _____, State _____ Zip _____

- (6) If the applicant is a business entity other than a sole proprietorship, does any person own of record ten percent or more of any class of voting stock of the applicant? ☒ Yes, _____ No. If "yes", submit Attachment 1.

- (7) If the applicant is a business entity other than a sole proprietorship, has the applicant, any partner, or principal shareholder previously operated a coal mining operation in the United States within the five year period preceding the date of this application under a name other than that in which this application is filed? ☒ Yes, _____ No. If "yes", list the names below.

The North American Coal Corporation - Eastern Division

The North American Coal Corporation - Western Division, Indian Head Mine

The Falkirk Mining Company - Falkirk Mine

The Coteau Properties Company - Freedom Mine

The North American Coal Corporation - Central Division

The Nacco Mining Company - Powhatan No. 6 Mine

The North American Coal Corporation - Southwestern Division

The Sabine Mining Company - South Hallsville No. 1 Mine

Quarto Mining Company - Powhatan No. 4 and No. 7 Mines

- (8) Provide the following information for every legal or equitable owner of record, surface and mineral, of the property to be mined or affected by surface operations and facilities, indicating whether the ownership is of surface, coal, or non coal mineral.

Name The Ohio Valley Coal Company

Address 56854 Pleasant Ridge Road

City Alliedonia, State Ohio Zip 43902

Surface X, Coal X, Non Coal

Name Consolidated Rail Corporation

Address P.O. Box 8538-230

City Philadelphia, State PA Zip 19171

Surface X, Coal , Non Coal

Name Oglebay Norton Company

Address 1100 Superior Avenue

City Cleveland, State Ohio Zip 44114

Surface , Coal X, Non Coal

Name

Address

City , State Zip

Surface , Coal , Non Coal

Name

Address

City , State Zip

Surface , Coal , Non Coal

- (10) Are there purchasers of record under a real estate contract of the property to be mined or affected by surface operations and facilities? Yes, X No. If "yes", submit Attachment 2.
- (11) Is the operator identified in item A(2) or any owner, holder, or purchaser listed in items A (8), (9), or (10) respectively, a business entity other than a single proprietorship?
X Yes, No. If "Yes" submit Attachment 3.
- (12) Is any part of the proposed permit area adjacent to any lands which are not owned by those persons identified in item A(8)?
X Yes, No. If "yes", submit Attachment 4.
- (13) Has the applicant or any person listed in item A.(7) above been issued a coal mining permit in the United States subsequent to 1970?
X Yes, No. If "yes", submit Attachment 5.
- (14) Does the applicant or any person listed in item A. (7) above have any coal mining permit applications pending in the United States?
 Yes, X No. If "yes", submit Attachment 23.
- (15) Name of mine Powhatan No. 6.
- (16) List below the MSHA identification numbers for the mine and for each facility on the proposed permit area.
MSHA I.D. No. 33-01159
- (17) Does the applicant hold lands, interests in lands, options, or pending bids on interests for lands which are contiguous to the proposed permit area? X Yes, No. If "yes", submit as an addendum to the permit application, a description of the lands.
- (18) Is it anticipated that individual mining permits will be sought for any of those lands described in item 17. above?
 Yes, X No. If "yes", identify those lands to include the size, sequence, and timing of future mining permits.
- (19) List below the person or persons primarily responsible for ensuring that the applicant will comply with Chapter 1513 of the Revised Code and the rules adopted pursuant thereto while mining and reclaiming the area for which this permit is requested.

Robert E. Murray, President and Chief Executive Officer

- (20) Submit Attachment 22, Certificate of Liability Insurance.

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATIONATTACHMENT 1
(OWNERS OF STOCK)Applicant's Name THE OHIO VALLEY COAL COMPANY

This attachment is to be completed and submitted with the permit application if the response to item A. (6) in Part I of the permit application is "yes".

Name of person Robert E. MurrayAddress Suite 111, 29525 Chagrin Blvd.City Pepper Pike State Ohio Zip 44122

Name of person _____

Address _____

City _____ State _____ Zip _____

Name of person _____

Address _____

City _____ State _____ Zip _____

Name of person _____

Address _____

City _____ State _____ Zip _____

Name of person _____

Address _____

City _____ State _____ Zip _____

Name of person _____

Address _____

City _____ State _____ Zip _____

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATIONATTACHMENT 3
(IDENTIFICATION OF OTHER BUSINESS ENTITIES)Applicant's Name The Ohio Valley Coal Company

This attachment is to be completed and submitted with the permit application if the response to item A. (11) in Part 1 of the permit application is "yes". A separate attachment is to be submitted for each business entity.

Name of business entity Oglebay Norton CompanyStatutory Agent David A. KhunAddress 1100 SuperiorCity Cleveland State Ohio Zip 44114Person's Name Renold D. Thopson Position President & C.E.O.Address 1100 SuperiorCity Cleveland State Ohio Zip 44114Person's Name August F. Bradfish Position V.P., Coal & Non-FerrusAddress 1100 SuperiorCity Cleveland State Ohio Zip 44114Person's Name David A. Khun Position Corporate SecretaryAddress 1100 SuperiorCity Cleveland State Ohio Zip 44114Person's Name Richard J. Kessler Position V.P. Trea. & FinanceAddress 1100 SuperiorCity Cleveland State Ohio Zip 44114

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATIONATTACHMENT 3
(IDENTIFICATION OF OTHER BUSINESS ENTITIES)Applicant's Name The Ohio Valley Coal Company

This attachment is to be completed and submitted with the permit application if the response to item A. (11) in Part 1 of the permit application is "yes". A separate attachment is to be submitted for each business entity.

Name of business entity Consolidated Rail CorporationStatutory Agent C.T. CorporationAddress 1578 Union Commerce BuildingCity Cleveland State Ohio Zip 44115Person's Name L. S. Cranz Position ChairmanAddress Penn Center PlazaCity Philadelphia State PA Zip 19104Person's Name R. D. Sanborn Position President & C.O.D.Address Penn Center PlazaCity Philadelphia State PA Zip 19104Person's Name H. W. Brown Position Sr. V.P. FinanceAddress Penn Center PlazaCity Philadelphia State PA Zip 19104Person's Name B. B. Wilson Position Sr. V.P., LawAddress Penn Center PlazaCity Philadelphia State PA Zip 19104

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATIONATTACHMENT 3
(IDENTIFICATION OF OTHER BUSINESS ENTITIES)Applicant's Name The Ohio Valley Coal Company

This attachment is to be completed and submitted with the permit application if the response to item A. (11) in Part 1 of the permit application is "yes". A separate attachment is to be submitted for each business entity.

Name of business entity The Ohio Valley Coal CompanyStatutory Agent A. & H. StatutoryAddress 1100 Huntington BuildingCity Cleveland State Ohio Zip 44115Person's Name Robert E. Murray Position President & C.E.O.Address 56854 Pleasant Ridge RoadCity Alledonia State Ohio Zip 43902Person's Name Stephen C. Ellis Position SecretaryAddress 56854 Pleasant Ridge RoadCity Alledonia State Ohio Zip 43902

Person's Name _____ Position _____

Address _____

City _____ State _____ Zip _____

Person's Name _____ Position _____

Address _____

City _____ State _____ Zip _____



CERTIFICATE OF INSURANCE

SET TAB STOPS AT ARROWS
ISSUE DATE (MM/DD/YY)**PRODUCER**

Underwriters Safety & Claims, Inc.
11405 Park Rd.
Louisville, KY 40223

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY LETTER **A** Federal Insurance Company

COMPANY LETTER **B**

COMPANY LETTER **C**

COMPANY LETTER **D**

COMPANY LETTER **E**

INSURED

Ohio Valley Coal Company
Permit No. - D-0360
29525 Chargin Blvd., Suite 111
Pepper Pike, Ohio 44122

COVERAGES

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIABILITY LIMITS IN THOUSANDS		
						EACH OCCURRENCE	AGGREGATE
A	GENERAL LIABILITY	7317-08-88	5-25-88	5-25-89	BODILY INJURY	\$	\$
	<input checked="" type="checkbox"/> COMPREHENSIVE FORM				PROPERTY DAMAGE	\$	\$
	<input checked="" type="checkbox"/> PREMISES/OPERATIONS UNDERGROUND EXPLOSION & COLLAPSE HAZARD				BI & PD COMBINED	\$ 1,000,	\$ 1,000
	<input checked="" type="checkbox"/> PRODUCTS/COMPLETED OPERATIONS				PERSONAL INJURY \$ 1,000,		
	<input checked="" type="checkbox"/> CONTRACTUAL						
	<input type="checkbox"/> INDEPENDENT CONTRACTORS				BODILY INJURY (PER PERSON) \$		
	<input type="checkbox"/> BROAD FORM PROPERTY DAMAGE						
	<input checked="" type="checkbox"/> PERSONAL INJURY						
	<input checked="" type="checkbox"/> Coal Mine Liability						
	AUTOMOBILE LIABILITY						
<input type="checkbox"/> ANY AUTO				BODILY INJURY (PER PERSON)	\$		
<input type="checkbox"/> ALL OWNED AUTOS (PRIV. PASS.)				BODILY INJURY (PER ACCIDENT)	\$		
<input type="checkbox"/> ALL OWNED AUTOS (OTHER THAN PRIV. PASS.)				PROPERTY DAMAGE	\$		
<input type="checkbox"/> HIRED AUTOS				BI & PD COMBINED	\$		
<input type="checkbox"/> NON-OWNED AUTOS				BI & PD COMBINED \$			
<input type="checkbox"/> GARAGE LIABILITY							
EXCESS LIABILITY							
<input type="checkbox"/> UMBRELLA FORM							
<input type="checkbox"/> OTHER THAN UMBRELLA FORM							
WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY					STATUTORY		
					\$	(EACH ACCIDENT)	
					\$	(DISEASE-POLICY LIMIT)	
OTHER					\$	(DISEASE-EACH EMPLOYEE)	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER

State of Ohio
Division of Reclamation - Department
of Natural Resources
Fountain Square, Bldg. B
Columbus, Ohio 43224

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

G0387-1765

384971
APPROVED
TOP
Date 5/15/88
Amount \$50.

CERTIFICATE OF MERGER

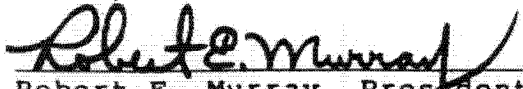
The undersigned, Robert E. Murray and Stephen C. Ellis, the President and Secretary, respectively, of THE OHIO VALLEY ACQUISITION CORP. ("OVAC"), an Ohio corporation, and the President and Secretary, respectively, of THE NACCO MINING COMPANY ("Nacco"), an Ohio corporation, do hereby certify that:


1. Attached hereto as "Exhibit A" is a true and correct copy of the Agreement of Merger dated May 25, 1988 between OVAC and Nacco (the "Agreement of Merger") adopted by each of said corporations in the manner set forth in this Certificate.


2. The Agreement of Merger was approved by the Directors of OVAC by action in writing and without a meeting pursuant to Ohio Revised Code Section 1701.54 taken on May 25, 1988 and adopted by the sole Shareholder of OVAC by action in writing and without a meeting pursuant to Ohio Revised Code Section 1701.54 taken on May 25, 1988.

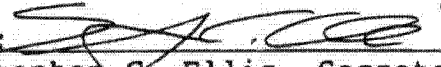
3. The Agreement of Merger was approved by the Directors of Nacco by action in writing and without a meeting pursuant to Ohio Revised Code Section 1701.54 taken on May 25, 1988 and adopted by the sole Shareholder of Nacco by action in writing and without a meeting pursuant to Ohio Revised Code Section 1701.54 taken on May 25, 1988.

IN WITNESS WHEREOF, the undersigned have executed this
Certificate this 25th day of may, 1988.


Robert E. Murray, President of
THE OHIO VALLEY ACQUISITION
CORP.
(an Ohio corporation)

And: 
Stephen C. Ellis,
Secretary
THE OHIO VALLEY ACQUISITION
CORP.
(an Ohio corporation)


Robert E. Murray, President
THE NACCO MINING COMPANY
(an Ohio corporation)

And: 
Stephen C. Ellis, Secretary
THE NACCO MINING COMPANY
(an Ohio corporation)

AGREEMENT OF MERGER

This AGREEMENT OF MERGER is made this 25th day of May, 1988, by and between THE NACCO MINING COMPANY, an Ohio corporation ("Nacco") and THE OHIO VALLEY ACQUISITION CORP., an Ohio corporation ("OVAC"), which corporations are hereinafter sometimes referred to collectively as the "Constituent Corporations."

RECITALS

A. The authorized number of shares of OVAC is 750 shares, all of which are common shares without par value (the "OVAC Shares"); 700 OVAC Shares are issued and outstanding.

B. The authorized number of shares of Nacco is 1,000 shares, all of which are common shares without par value (the "Nacco Shares"); 700 Nacco Shares are issued and outstanding.

C. OVAC owns all of the issued and outstanding Nacco Shares.

D. The Boards of Directors of the Constituent Corporations have authorized and approved this Agreement of Merger and deem it advisable and in the best interests of the shareholders of the Constituent Corporations to merge OVAC with and into Nacco pursuant to the laws of the State of Ohio and in accordance with the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual agreements contained herein, it is agreed as follows:

ARTICLE I

MERGER

1.1 Upon the terms and conditions set forth in this Agreement, OVAC shall be merged with and into Nacco in accordance with the laws of the State of Ohio (the "Merger") and Nacco shall be the surviving corporation.

ARTICLE II

EFFECT OF MERGER

2.1 At the time the Merger becomes effective, the effect of the Merger shall be as provided by the applicable provisions of the laws of the State of Ohio.

ARTICLE III

TERMS OF MERGER

3.1 The terms and conditions of the Merger, the mode of carrying them into effect and the manner and basis of converting the shares of the Constituent Corporations into or substituting the shares of the Constituent Corporations for shares of the surviving corporation shall be as follows:

(a) At the time the Merger becomes effective, each OVAC Share outstanding immediately prior to the time the Merger becomes effective shall, by virtue of the Merger

and without any action on the part of the holder thereof, become and be converted into one (1) Nacco Share;

(b) At the time the Merger becomes effective, each Nacco Share outstanding immediately prior to the time the Merger becomes effective shall, by virtue of the Merger and without any action on the part of the holder thereof, be cancelled and retired; and

(c) The certificate or certificates which formerly represented outstanding OVAC shares shall, from and after the time the Merger becomes effective, represent the same number of outstanding Nacco Shares.

ARTICLE VI

TIME MERGER BECOMES EFFECTIVE

6.1 The Merger shall become effective upon the filing of a certificate of merger with the Secretary of State of the State of Ohio in accordance with Section 1701.81 of the Ohio Revised Code; such time is referred to as "the time the Merger becomes effective."

ARTICLE VII

ARTICLES AND REGULATIONS

OF THE SURVIVING CORPORATION

7.1 The Articles of Incorporation of OVAC in effect immediately prior to the time the Merger becomes effective shall be the Articles of Incorporation of the surviving

corporation on and after the time the Merger becomes effective, except that Article First shall be amended to read in its entirety as follows:

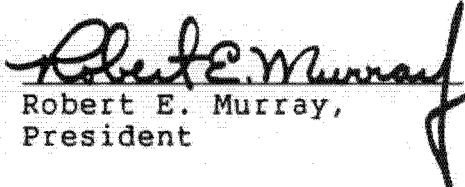
FIRST: The name of the corporation shall be THE OHIO VALLEY COAL COMPANY.

7.2 The Regulations of OVAC in effect immediately prior to the time the Merger becomes effective shall be the Regulations of the surviving corporation on and after the time the Merger becomes effective.

IN WITNESS WHEREOF, the Constituent Corporations have caused this Agreement of Merger to be signed by their respective Presidents and Secretaries on the date first above written.

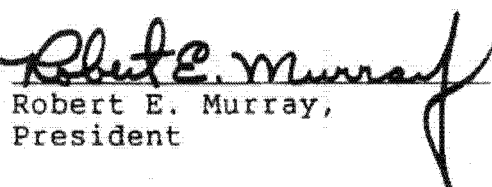
THE NACCO MINING COMPANY
(an Ohio corporation)

By:



Robert E. Murray,
President

THE OHIO VALLEY ACQUISITION CORP.
(an Ohio corporation)


By:


Robert E. Murray,
President

And:


Stephen C. Ellis,
Secretary

And:


Stephen C. Ellis,
Secretary

POWER OF ATTORNEY TO TRANSFER STOCK

KNOW ALL MEN BY THESE PRESENTS, that THE NORTH AMERICAN COAL CORPORATION has, for valuable consideration, sold to OHIO VALLEY RESOURCES, INC., seven hundred (700) shares, owned by it, of the capital stock of THE NACCO MINING COMPANY standing in its name as per Certificate No. 1 and does hereby appoint _____ Attorney for it and in its name to sell and transfer unto said THE OHIO VALLEY ACQUISITION CORP. the whole of the said stock.

Witness its seal and the signature of its Vice President this 25th day of May, 1988.

ATTEST:

THE NORTH AMERICAN COAL CORPORATION

Daniel G. Mitchell
Daniel G. Mitchell
Assistant Secretary

By Thomas A. Koza
Thomas A. Koza, Vice President

NA2/POA

(1)

TOVCC 07406

R-0360-3

PERMIT REVISION APPLICATION CHECKLIST

Name of Permittee

The Nocco Mining Company

Permit #

D-0360

Reviewed by

Jim Sharer

, Date

09-22-88

YES

NO

/

/

1. Permittee Name

/

/

2. Address

/

/

3. Permit Number

/

/

4. Section of mining and reclamation plan to be revised.

/

/

5. Description of Revision

/

/

6. Reason for Revision

/

/

7. Revision adversely affects area outside the permit area.

/

/

8. Revision alters final land use.

/

/

9. Revision alters final land configuration.

/

/

10. Revision delays contemporaneous reclamation due to change in mining method.

If any responses to items 7 through 10 are answered yes complete the following items:

YES

NO

/

/

1. Application includes name and address of newspaper in which public notice is published.

/

/

2. Text of public notice contains all information required by 1501: 13-5-01(B) (1).

/

/

3. Application includes name and address of the public office where this application is to be filed for public viewing.

/

/

4. Applicant has submitted copy of proof of publication.

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

Fountain Square
Columbus, Ohio 43224

August 22, 1988

Miss Louise Watson
The Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio 43902

Re: Application To Revise A Permit D-0360 dated 08-01-88

Dear Louise:

As indicated to you earlier, it is necessary for you to provide a letter from the Bank indicating that the letter of credit the Division holds in the name of NACCO Mining Company is also valid for the Ohio Valley Coal Company or submit substitute monies that will sufficiently cover current affectment.

Also, in lieu of the A.R.P. submittal, please provide me a letter of withdrawal for the initial transfer.

Upon receipt of this information, I can approve the A.R.P. dated August 1, 1988.

If you have any questions, please contact me at (614) 265-6651.

Sincerely,



Tim Shearer
Permits & Processing Section

TS/sm

cc: D. Jonard
L. Morris

Richard F. Celeste, Governor

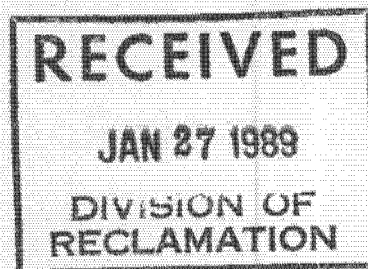
TOVCC 07408

*1/20/89
for Tim Shearer,
the letter of credit
has been
received.*



January 25, 1989

Mr. Tim Dieringer, Chief
Division of Reclamation
Ohio Department of Natural Resources
Fountain Square
Columbus, Ohio 43224



Dear Mr. Dieringer:

Find enclosed revisions to ARP R-0360-3 as requested by your office. The revisions are as follows:

1. Application is made on new (11/88) ARP forms (enclosed).
2. The tax ID number on page 2, A(1) is included.
3. Page 3, A(7) has been revised as requested.
4. Attachment 4 was inadvertently included in this ARP and is respectfully withdrawn. This information is already in the current permit (D-0360).
5. The "Power of Attorney to Transfer Stock" document is a legal document and cannot be revised. However, Mr. Koza's signature was sufficient to transfer the stock without appointing another party as attorney for The North American Coal Corporation.

Please contact me if you have any questions regarding these revisions. Your prompt consideration in this matter would be greatly appreciated.

Very truly yours,

THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.
Project Engineer

DLB:jl
Enclosures

Copies to: R. E. Murray
J. F. Forrelli
R. S. Rice
M. R. St. John
File

56854 PLEASANT RIDGE ROAD • ALLEDONIA OHIO 43902 • (614) 926-1351

TOVCC 07409

1/20/89

Told Dave Bartsch
these revisions are
needed. Mean follow-up
w/ a letter. #4 is not clear.
1-20-89
Becky

Tim

I reviewed this ACP and have some concerns in addition
to your 8-22-88 letter:

1. needs to be on current ACP form
2. P.2., A(1) no tax i.d. no.
3. P.3, A(7) incorrect response. Shouldn't they list AH.5 companies?
4. AH.4, what do they own?
5. Power of Attorney shouldn't blank be filled in? ("...and
has hereby appoint _____ Attorney for it...")

Another letter should be sent to them asking for this
info and ⁱⁿstruction that this ACP must be approved
before the other ACP (that Becky is processing) can be
approved. Also, cc. copy of your letter to Becky & keep her
informed of the status of your ACP.

Finally, let Becky see draft of your letter before it
goes out - she may have additional items.